

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

<p>FIRST SOLAR ELECTRIC LLC</p> <p>Plaintiff,</p> <p>v.</p> <p>ZURICH AMERICAN INSURANCE COMPANY,</p> <p>Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>CIVIL ACTION NO. 5:21-cv-408 (MTT)</p>
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ORDER AND JUDGMENT

Based on the Court's prior orders and the verdict returned by the jury, the Court hereby enters judgment in favor of Plaintiff in this action.¹

In accordance with the Court's prior orders, including the Order (Doc. 116) entered on June 24, 2024, and because Zurich does not dispute that First Solar incurred these damages (Doc. 200, *et seq.*), Plaintiff is entitled to judgment as a matter of law in the amounts indicated in the chart below. Because this is a liquidated amount, Plaintiff is entitled to recover prejudgment interest under O.C.G.A. § 7-4-15 on the amounts set forth below at the Georgia legal rate of 7% per annum. The Court finds based on the evidence presented that prejudgment interest shall accrue from March 22, 2021, and is calculated below.

Rain Event	Damages	Advance	Deductible	Prejudgment Interest	Total
December 13, 2019	\$1,477,618	\$200,000	\$100,000	\$316,859.90	\$1,494,477.90

¹ The parties have consented to the form of the judgment.

February 5, 2020	\$ 418,746	\$200,000	\$100,000	\$ 31,950.81	\$ 150,696.81
February 13, 2020	\$1,947,934	\$200,000	\$100,000	\$443,407.12	\$2,091,341.12
March 3, 2020	\$ 496,850	\$0	\$100,000	\$106,779.83	\$ 503,629.83
April 18, 2020	\$ 576,155	\$0	\$100,000	\$128,118.31	\$ 604,273.31
Total	\$4,917,303	\$600,000	\$500,000	\$1,027,115.97	\$4,844,418.97

As to the remainder of Plaintiff's claims, the jury returned a verdict on January 17, 2025 finding in favor of Plaintiff on the remainder of its claims as set forth below. In the verdict, the jury also determined that Plaintiff may recover prejudgment interest and that prejudgment interest shall accrue from March 22, 2021. Plaintiff, therefore, may recover prejudgment interest under O.C.G.A. § 13-6-13 on the amounts set forth below at the Georgia legal rate of 7% per annum.

Rain Event	Repair or Replacement of Damaged Property	Expediting Expenses and Contractor's Extra Expenses	Prejudgment Interest	Total
December 13, 2019	\$0	\$1,203,345.49	\$323,782.36	\$1,527,127.85
February 5, 2020	\$0	\$ 726,647.58	\$195,517.97	\$ 922,165.55
February 13, 2020	\$0	\$1,906,018.36	\$512,849.49	\$2,418,867.85
March 3, 2020	\$0	\$1,208,267.76	\$325,106.79	\$1,533,374.55
April 18, 2020	\$0	\$ 781,759.10	\$210,346.74	\$ 992,105.84
Total	\$0	\$5,826,038.29	\$1,567,603.35	\$7,393,641.64

THEREFORE, judgment shall be entered in favor of the Plaintiff First Solar Electric LLC and against the Defendant Zurich American Insurance Company in the amount of \$12,238,060.61 which includes prejudgment interest. The amount shall accrue post

judgment interest pursuant to U.S.C. § 1961 from the date of entry of judgment until paid in full. As Plaintiff is the prevailing party, it shall also be allowed to file a bill of costs.

The Clerk of the Court is DIRECTED to enter final judgment.

SO ORDERED, this 24th day of January, 2025.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT